

LDWSE
12.3.104
11/30/09



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue
Seattle, Washington 98101

NOV 30 2009

Reply To
Attn Of: ECL-111 >

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Dick and Betty Buhler
Owners
Silver Bay Logging
PO Box 270
Kelso, WA 98626

Re: Supplemental Request for Information Pursuant to Section 104(e) of CERCLA, for the
Lower Duwamish Waterway Superfund Site, Seattle, Washington

Site: Silver Bay Logging
7760 8th Ave. S
Seattle, WA 98108

King County Parcels: 7327902480, 7327902490, 7327902520, 7327903645, 7327902500,
5367204180, and 7327906860

Dear Mr. Buhler:

The United States Environmental Protection Agency, Region 10 (EPA) continues to investigate the releases or threat of releases of hazardous substances associated with the Lower Duwamish Waterway Superfund Site ("LDW Superfund Site"). EPA seeks your cooperation in this investigation.

EPA reviewed your response to the Request for Information dated March 25, 2008, and has additional and clarifying questions that are set forth in the enclosed Supplemental Information Request. This information will be used for the purposes of determining the need for response, or choosing or taking any response action at the LDW Superfund Site, and to identify additional potentially responsible parties for performing the cleanup.

Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), requires you to respond to the requests set forth in the Supplemental Information Request.



Failure to provide a complete, truthful response to this Supplemental Information Request within sixty (60) days of your receipt of this letter, or to adequately justify such failure to respond, may subject you to an enforcement action pursuant to Section 104(e) of CERCLA. The statute permits EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500) for each day of non-compliance.

Please note, that responses which are incomplete, ambiguous, or evasive may be treated as non-compliance with this Supplemental Information Request. Provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

Your response to this Supplemental Information Request should be mailed to:

United States Environmental Protection Agency, Region 10
Claire Hong, Remedial Project Manager
Environmental Cleanup Office, ECL-111
1200 Sixth Ave. Suite 900
Seattle, Washington 98101

If you have questions concerning this letter or the LDW Superfund Site, please contact Claire Hong at (206) 553-1813. Any communication by any attorney on your behalf should be directed to Alexander Fidis, EPA Office of Regional Counsel, at (206) 553-4710.

Thank you for your cooperation in this matter.

Sincerely,



Sheila Eckman, Unit Manager
Site Cleanup Unit #3
Office of Environmental Cleanup

Enclosures:

Supplemental Information Request
Definitions
Instructions
Declaration

cc: Dan Cargill, Ecology/NWRO

U.S. EPA

CERCLA SECTION 104(e)

SUPPLEMENTAL INFORMATION REQUEST

Please note: This Supplemental Information Request includes instructions for responding to this request and definitions of words such as "Respondent," "Site," and "identify" used in the questions. Any references to specific question numbers refer to the First Information Request, dated March 25, 2008.

INFORMATION REQUEST QUESTIONS

1. Respondent Information

- a. Provide the full legal name and mailing address of the Respondent.
- b. For each person answering these questions on behalf of Respondent, provide:
 - i. full name;
 - ii. title;
 - iii. business address; and
 - iv. business telephone number and FAX machine number.

2. Site Activities and Interests

- a. Provide the entire *Phase II Subsurface Site Investigation, Silver Bay Logging, Seattle, Washington* report, by The Riley Group, Inc. dated February 12, 2004. In particular, provide all analytical data. Soil samples were collected during the investigation, however, the analytical results and subsequent conclusions were not provided in your initial response.
- b. Provide additional information on the ownership of the Silver Bay Logging parcels referenced the Request for Information. Specifically:
 - Your initial response only provided ownership documentation for King County Parcel #7327902500. Provide documentation of ownership for the remaining

parcels - 7327902480, 7327902490, 7327902520, 7327903645, 5367204180, and 7327906860.

- Clarify if Silver Bay Logging ever owned and/or operated on parcel #5367204180 located on River Street. Title documents indicate that parcel #5367204180 was sold by Silver Bay Logging to the Muckleshoot Tribe in 2002. However, your response appears to indicate that Silver Bay Logging never owned parcel #5367204180.
- c. Provide information regarding Site stormwater management practices, in particular the location of any outfalls or seeps to the Duwamish Waterway. Provide all information on any connection to sewer systems, stormwater lines, catch basins, or any other drainage structures. Clearly describe the method of handling wastewater, stormwater, and general stormwater flow at the Site.
- d. Describe and provide information and/or documentation regarding any current or historic on-site maintenance and repair activities of vehicles and/or marine vessels, including sandblasting or cleaning of Silver Bay's marine vessels on or adjacent to the Site.
- e. Provide any additional information on tenant practices, in particular, regarding repair and process practices, hazardous substance use and management, wastewater generation and management, and waste generation and management.
- f. Provide all documents not previously provided in response to the initial Request for Information, or otherwise provided in response to this Supplemental Information Request, regarding environmental conditions of the Site. Environmental conditions of the Site includes information related to soil, sediment, water (ground and surface), and air quality, such as, but not limited to:
 - i. Any spill, leak, release, or discharge of a hazardous substance, waste, or material at or near the Site;
 - ii. Occurrences of violations, citations, deficiencies, and/or accidents concerning the Site;
 - iii. Remediation or removal of contaminated soils, sediments, or other media at the Site; and
 - iv. Investigations, inspections, sampling, and reports generated by Respondent and/or others regarding the Site and surrounding area.

3. Information About Others

- a. Clarify the relationship between RJ & BA, LLC and Silver Bay Logging, Inc. and describe RJ & BA, LLC's role, if any, in operations at Silver Bay Logging facilities along the Duwamish Waterway.

4. Compliance with This Request

- a. Describe all sources reviewed or consulted in responding to this request, including, but not limited to:
- i. the name and current job title of all individuals consulted;
 - ii. the location where all documents reviewed are currently kept.

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INSTRUCTIONS

1. Answer Each Question Completely. Provide a separate answer to each question and subpart set forth in this Supplemental Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Supplemental Information Request and may subject the Respondent to the penalties set out in the cover letter.
2. Response Format and Copies. Provide the responses to this Supplemental Information Request and at least one copy of all requested documents either electronically or on paper (hard copy). Your submission, whether electronic or hard copy, must include an index that lists all the responsive documents provided, and that indicates where each document is referenced in the written response, and to which question or questions each document is responsive. Additionally, please clearly identify and segregate any information you determine to be Confidential Business Information (CBI).

If providing your response electronically, it must be submitted on a compact disc in Portable Document Format (PDF) and comply with the following requirements:

- a. CBI and personal privacy information should be provided on separate media (e.g., a separate CD) and marked as such to ensure information is appropriately handled and physically separated from the other response information in EPA's files.
 - b. The declaration must be provided in hard copy with an original signature.
 - c. All documents originally smaller than 11 by 17 inches can be submitted electronically; any documents originally larger than 11 by 17 inches must be submitted in hard copy.
 - d. Electronic PDF files cannot be submitted in Adobe Acrobat versions above 6 (or above PDF format version 1.5 if not using Adobe).
 - e. Electronic PDF files must be text-searchable.
 - f. The document index must clearly identify any single electronic document which has been separated into multiple electronic files (because of size limitation or otherwise) and each component file that comprises the full document.
3. Number Each Answer. Number each answer with the number of the question to which it corresponds.
 4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. Seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered noncompliance with this Supplemental Information Request.
 5. Identify Information Sources. For each question, identify all persons and documents relied upon for the answer.

6. Confidential Information. The information requested herein must be provided even though the Respondent may contend that it includes confidential information or trade secrets. The Respondent may assert a confidentiality claim covering part or all of the information requested, pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential." A confidentiality claim should be supported by the submission of information consistent with 40 C.F.R. Part 2. Information covered by a confidentiality claim will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. **If no such claim accompanies the information received by EPA, it may be made available to the public by EPA without further notice.**
7. Disclosure to EPA Contractor. Information submitted in response to this Supplemental Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if the Respondent asserts that all or part of it is confidential business information. EPA may provide this information to its contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Supplemental Information Request. If submitting information and asserting it is entitled to treatment as confidential business information, the Respondent may comment on EPA's intended disclosure within 14 days of receiving this Supplemental Information Request.
8. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from responses, included on separate sheet(s), and marked as "Personal Privacy Information". Note, however, that unless prohibited by law, EPA may disclose this information to the general public without further notice.
9. Objections. The Respondent must provide responsive information notwithstanding objections to certain questions. To object without providing responsive information may subject Respondent to the penalties set out in the cover letter.
10. Privilege. If a privilege is asserted for any document responsive to this Supplemental Information Request, identify (see Definitions) the document and provide the basis for assertion. If a privilege exists for only a portion of a document, provide the portion of the document that is not asserted be privileged, identify the portion that is asserted to be privileged, and provide the basis for asserting privilege. **Please note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Supplemental Information Request must be disclosed in your response.**
11. Declaration. The Respondent must complete the enclosed declaration, certifying the accuracy of all statements in your response.

DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in Section 101 of CERCLA, 42 U.S.C. § 9601, *et seq.*, or Volume 40 of the Code of Federal Regulations (CFR), in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The term "Respondent" shall mean the addressee of this Request, together with the addressee's agents, employees, and contractors.
2. The terms "document" and "documents" shall mean any method of recording, storing, or transmitting information. "Document" shall include, but not be limited to:
 - a. writings of any kind, including, but not limited to, any of the following:
 - i. letters, memoranda, fax transmittals;
 - ii. meeting minutes, telephone records, notebooks;
 - iii. agreements and contracts;
 - iv. reports to shareholders, management, or government agencies;
 - v. transportation manifests;
 - vi. copies of any document.
 - b. any film, photograph, or sound recording on any type of device;
 - c. any blueprints or drawings;
 - d. attachments to, or enclosures with, any document.
3. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name, (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with job title, position, or business.

4. The term "identify" means, with respect to a corporation, partnership, business trust, or other entity, to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g., corporation, partnership, etc.); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.
5. The term "identify" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressee, and/or recipient; and (e) a summary of the substance or the subject matter. **Alternatively**, Respondent may provide a complete copy of the document.
6. The term "material" or "materials" shall mean any and all raw materials, commercial products, wastes, chemicals, substances, or matter of any kind.
7. The "period being investigated" and "the relevant time period" shall mean the date of Respondent's first involvement at the Site to present.
8. The term "property" shall mean any interest in real or personal property whatsoever, including fee interests, leases, licenses, rental, and mineral rights.
9. The "Site" shall mean any or all property or area described as or near 7760 8th Ave. S, Seattle, WA, 98108; and King County Tax Parcels: 7327902480, 7327902490, 7327902520, 7327903645, 7327902500, 5367204180, and 7327906860.
10. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including, but not limited to, building debris and asbestos-containing material.
11. The term "business activities" shall mean all actions, endeavors, ventures, or financing arrangements related in any manner whatsoever to the use and development of the Site, including surveying, sampling, grading, documentation, photography, demolition, construction, and waste disposal, and sales.

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of Respondent and that the foregoing is complete, true, and correct.

Executed on _____, 2009.

Signature

Type or Print Name

Title

Mailing Address:

Dick and Betty Buhler
Owners
Silver Bay Logging
PO Box 270
Kelso, WA 98626

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
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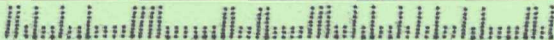
- Sender: Please print your name, address, and ZIP+4 in this box •

United States Environmental Protection
Agency, Region 10
Claire Hong, Remedial Project Manager
Environmental Cleanup Office, ECL-111
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

RECEIVED

DEC 07 2009

Environmental
Cleanup Office



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dick and Betty Buhler, Owners
Silver Bay Logging
PO Box 270
Kelso, WA 98626

2. Article Number
(Transfer from service)

7008 0150 0000 8073 4616

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Betty Buhler*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes